

IT IS SO ORDERED.

Dated: 18 September, 2017 10:49 AM



JESSICA E. PRICE SMITH  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re:

James Anthony Podboy  
Pamela Jo Podboy

Debtor(s).

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Case No.: 14-17526

Chapter 13

Judge Jessica E. Price Smith

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**AGREED ORDER RESOLVING MOTION FOR RELIEF FROM STAY (DOCKET  
NUMBER 62) AS TO REAL PROPERTY LOCATED AT 910 EAST 250TH STREET,  
EUCLID, OH 44132**

This matter having come before the Court on the Motion for Relief from Stay which was filed in this court by Federal National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the laws of the United States of America ("Creditor"), by and through its mortgage servicing agent Seterus, Inc., fka IBM Lender Business Process Services,

15-014204\_JMR

Inc., as Docket Number 62; and it appearing to the Court that the parties have agreed to a course of action which will permit the continuation of the automatic stay conditioned upon certain provisions incorporated herein for the protection of Creditor; and the Court, being otherwise fully advised in the premises, hereby issues the following Order with respect thereto:

1. The Parties agree that the Chapter 13 Plan filed herein on behalf of James Anthony Podboy and Pamela Jo Podboy (collectively, "Debtor") provided that said Debtor was to make regular monthly mortgage payments to Creditor outside of the Plan in a regular monthly fashion.
2. The Parties agree that in breach of the terms of said Plan, the Debtor failed to make certain of the regular monthly mortgage payments to Creditor; said payments are currently in default for the months of January 2017 and subsequent months, incurring a total post-petition arrearage of \$8,728.83 through August 2017, which consists of 1 post-petition payments at \$942.48 each, 7 post-petition payments at \$965.05 each, attorney fees in the amount of \$850.00 and filing cost of \$181.00. There is \$263.25 in suspense, which reduces the total post-petition arrearage to \$8,465.58.
3. In order to eliminate said post-petition delinquency, Creditor shall file a Supplemental Proof of Claim in the amount of \$8,465.58 representing the total post-petition arrearage detailed above.
4. Debtor hereby agrees to Modify the Chapter 13 Plan within 30 days of this order to provide for the payment of the additional Claim through Debtors Chapter 13 Plan.
5. The Debtor hereby agrees to resume regular monthly mortgage payments outside the Plan directly to Creditor for the September 2017 regular monthly mortgage payment and to make all further monthly payments in a timely fashion.

6. This Provisional Order remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates his case by order of the Court and/or the Creditor obtains relief from stay and the stay is subsequently reinstated by order of the Court.
7. The following are events of default under this Provisional Order: (a) Debtor fails to modify the plan within 30 days from entry of this order; (b) Debtor fails to pay any future monthly mortgage payment so that the payment is not received by Creditor on the last day of the month in which it is due; (c) Debtor fails to make any Chapter 13 Plan payment to the Trustee's Office within 30 days of the last day of the month in which it is due (hereinafter, any of the events described above shall be referred to as a "Default").
8. Upon the existence of a default, Creditor's counsel shall send Debtor and counsel for Debtor a 10-day notice of Creditor's intent to file an affidavit and proposed order granting relief from stay.
9. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Creditor attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by § 362(a) and of the Bankruptcy Code with respect to Creditor, its successors and assigns.
10. Debtor's opportunity to cure the default shall be limited to three occurrences. Upon the occurrence of the fourth default, then upon the filing of an affidavit by Creditor attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code with respect to Creditor, its successors and assigns.

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**SUBMITTED BY:**

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